

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

VALERIE W. WAKEFIELD,) CIVIL DIVISION
)
Plaintiff,) Civil Action No. 05 CV 79 – Erie
)
v.) Honorable Maurice B. Cohill, Jr.
)
JOY MINING MACHINERY)
COMPANY, a division of Harnischfeger)
Industries,) JURY TRIAL DEMANDED
)
Defendant.)
) *Electronically Filed*

CONSENT MOTION FOR LEAVE TO TAKE DEPOSITION
OUTSIDE THE DISCOVERY PERIOD

AND NOW, comes the Defendant, Joy Mining Machinery Company, by and through its counsel, Pietragallo Bosick & Gordon LLP, and hereby files this Consent Motion for Leave to Take Deposition Outside the Discovery Period, setting forth as follows:

1. Discovery in the captioned matter is scheduled to close on October 10, 2006.
2. Within the time limits permitted by the Federal Rules of Civil Procedure, the Defendant, Joy Mining Machinery, subpoenaed a third-party witness for a deposition to be held on Monday, October 9, 2006 – before the close of discovery.
3. Plaintiff's counsel is unavailable on October 9, 2006 to attend the scheduled deposition.
4. The Defendant respectfully requests that it be permitted to take the deposition of the subpoenaed witness, Susan Stewart, after discovery closes in this matter as can be scheduled at a mutually convenient time with Plaintiff's counsel.

5. By telephone conference of Thursday, October 5, 2006, Plaintiff's counsel consents to this Motion.

WHEREFORE, Defendant Joy Mining Machinery Company respectfully requests that this Honorable Court permit the deposition of subpoenaed witness, Susan Stewart, to be taken after the close of discovery in this matter.

Respectfully submitted,

/s/ Pamela G. Cochenour
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JOY MINING MACHINERY
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Warrendale, PA 15086

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **CONSENT MOTION FOR LEAVE TO TAKE DEPOSITION OUTSIDE THE DISCOVERY PERIOD** will be forwarded via the ECF system to the following counsel of record this 5th day of October, 2006:

Alexander H. Lindsay, Jr.
Lindsay, Jackson & Martin
128 South Main Street
Butler, PA 16001

/s/ Pamela G. Cochenour

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